

CLASSIFICATION OFFICE DECISION

Title of publication: Cum (58).jpg

Other known title(s): Not stated

OFLC ref: 1700120.060

Medium: Computer Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Wellington District Court

Classification: Objectionable.

Descriptive note: None

Display conditions: None

Date of entry in Register: 17 May 2017

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

Summary of reasons for decision:

This computer image file is deemed to be objectionable under s3(2)(a) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) because it promotes and supports the exploitation of children for sexual purposes. It depicts the cruel sexual abuse of a very young boy. The nature of the abuse is such that the image also promotes and supports sexual violence and the infliction of significant cruelty. The only purpose of the image is sexual arousal and gratification of persons with a sexual interest in children. The image presents children as sexually available and appropriate subjects for adult sexual attention and encourages and legitimises such an interest. The digital format allows the image to be easily disseminated among likeminded people. This classification interferes with the right to freedom of expression as provided by the New Zealand Bill of Rights Act 1990. However, the classification is consistent with Parliament's intention that publications falling under s3(2) of the FVPC Act are deemed to be objectionable. This is a reasonable limitation on the freedom of expression that reflects the concern of a free and democratic society to protect children from exploitation and harm.